

LUVAAS, COBB, RICHARDS & FRASER, P. C.

JOHN L. LUVAAS*
RALPH F. COBB
JOE B. RICHARDS
ROBERT H. FRASER
J. DOMINIC MONAHAN†
VARNER JAY JOHNS III
LOUIS L. KURTZ
JOEL S. DEVORE

* Inactive
† Also Member of District
of Columbia Bar

ATTORNEYS AT LAW
777 HIGH STREET, SUITE 300
EUGENE, OREGON 97401-2787

MAILING ADDRESS
P.O. BOX 10747
EUGENE, OREGON 97440-2747
(541) 484-9292
FACSIMILE (541) 343-1206

DONALD E. JOHNSON
RODNEY B. CARTER
GREGORY E. SKILLMAN
JAMES W. KEMPER
DAVID A. JACOBS
DAVID W. SMILEY
CONNIE L. SPECK

ROBERT L. SHAW 1934-1990
* Also Member of Washington Bar

DOCKET FILE COPY ORIGINAL

RECEIVED
DEC 17 1997

FCC MAIL ROOM

December 16, 1997

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, D.C. 20554

VIA UPS OVERNIGHT SERVICE

Attention: Mass Media Dockets

RE: MM Docket No. 87-268

Dear Ms. Salas:

There is transmitted herewith on behalf of Channel 19 TV Corp, the licensee of Station WCEA-LP, Boston, Massachusetts, and original and three copies of its Responsive Comments in the above entitled proceeding.

An extra copy of this transmittal letter is enclosed, as well as a pre-addressed, stamped envelope. Please confirm your receipt of the filing of these Comments by date stamping the extra copy of this transmittal letter and returning it to the undersigned counsel.

Should additional information be desired, please contact the undersigned counsel.

Respectfully submitted,

CHANNEL 19 TV CORP.


J. Dominic Monahan, Its Counsel

JDM/nlk

Enclosures

cc: Ellen P. Goodman, Esquire

0+3

RECEIVED

DEC 17 1997

FCC MAIL ROOM

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of

Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

)
)
)
)
)
)

MM Docket No. 87-268

TO: The Commission

**RESPONSIVE COMMENTS OF
CHANNEL 19 TV CORP.**

Channel 19 TV Corp. ("Channel 19"), the licensee of low power television station WCEA-LP, operating on UHF Channel 19, Boston, Massachusetts, respectfully submits its Comments in response to the Commission's *Public Notice*, issued December 2, 1997, seeking comments on two *ex parte* filings submitted by the Association of Maximum Service Broadcasters, Inc. ("MSTV") and the Association of Local Television Stations, Inc. ("ALTV") regarding DTV-to-DTV adjacent channel interference, a matter addressed in the above entitled proceeding. In response the following is shown.

Station WCEA-LP operates on Channel 19, a channel which was proposed in the *Sixth Report and Order* in MM Docket No. 87-268, adopted April 3, 1997, FCC 97-115, to be allocated to Station WGBH-TV in Boston as its proposed DTV channel.

Station WGBH-TV is an educational station licensed to the WGBH Educational Foundation. Station WGBH-TV operates on NTSC Channel 2. Under the rules adopted in the *Fifth Report and Order* in MM Docket No. 87-268, adopted April 3, 1997 (FCC 97-116), Station WGBH-TV, as a non-commercial station, is not obligated to construct its new DTV facility for almost six (6) years, or until May 1, 2003. Thus, Station WCEA-LP has the potential expectancy of continued operation on Channel 19 until that date.

Under the revised table of DTV allocations submitted by the AMST on November 20, 1997, AMST proposes to assign Channel 19 to Station WFXT-TV in Boston as its DTV channel. Station WFXT-TV operates on NTSC Channel 25. Under the *Sixth Report and Order*, Station WFXT-TV was assigned Channel 31 as its DTV allocation. Station WFXT-TV, unlike Station WGBH-TV, is a network (Fox) affiliated station which is obligated to construct its new DTV facility by May 1, 1999 (*see* ¶85 of the *Fifth Report and Order*). Consequently the proposed use of Channel 19 by Station WFXT-TV in Boston will accelerate Channel 19's loss of its low power channel by almost four years. Not only will AMST's newly proposed table adversely affect Station WCEA-LP, it is a proposal which contravenes the express cautionary warning set forth by the Commission in the *Sixth Report and Order* which "strongly advised" any industry coordinating committee to consider LPTV stations in developing any proposed modifications to the DTV table in order to avoid impact on the low power station wherever possible.

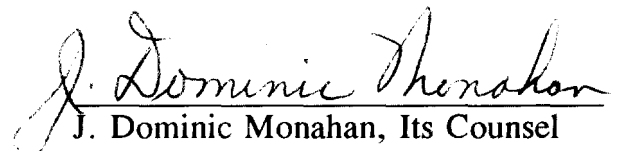
In the *Sixth Report and Order* the Commission emphasized the importance of coordinating any effort regarding the table of DTV allocations be open to all affected parties including low power broadcasters. In fact the Commission went on to state that it would *require* such negotiations be open to all affected parties. In this regard Station WCEA-LP, although clearly affected by the newly revised table submitted by AMST, was not contacted regarding the proposal or invited to participate in developing the proposed table. In short, the impact of the revised table on Station WCEA-LP was simply not considered. Clearly, the truncated use of Channel 19 which would result from its use by a network affiliate in Boston directly affects Station WCEA-LP. Accordingly, Channel 19 respectfully submits the revised table on grounds it contravenes the policies and rules set forth in the Commission's *Sixth Report and Order* and should be rejected. Alternatively, the FCC should provide Station WCEA-LP with a vested right to use one of the available UHF channels between 60 and 69 as provided in ¶142 of the *Sixth Report and Order*.

Channel 19 would further urge the Commission to consider the status of WCEA's operation and the adverse impact stemming from any premature loss of its signal in the greater Boston area. The station is the only television outlet in the Boston market, either local or full power, which provides such a unique blend of Spanish language service to the large multi-faceted Hispanic community in the greater Boston area. For some ten years the station has provided programming with particular cultural appeal to the area's residents who have immigrated from Puerto

Rico, the Dominican Republic, Peru, Ecuador, Bolivia, Argentina, Chile, Venezuela, Brazil and Columbia. The fact their common language is Spanish does not mean these diverse groups are served simply by broadcasting Spanish language programming. Instead, Station WCEA-LP's programs are tailored and serve the nuances of each different Spanish sub-culture. Only Station WCEA-LP provides that kind of particularity and variety in its programming. Moreover, WCEA-LP is the only station which provides feasible access to the small retailers which comprise the business community and seek to advertise to the Hispanic community in the greater Boston area. Accordingly, Channel 19 urges the Commission to use this occasion to take those additional and specific steps necessary to preserving this low power outlet which has served the diverse ethnic cultural groups which comprise a significant portion of the greater Boston community.

Respectfully submitted,

CHANNEL 19 TV CORP.


J. Dominic Monahan, Its Counsel

CERTIFICATE OF SERVICE

I, Nancy Lee Kemper, a secretary in the law offices of Luvaas, Cobb, Richards & Fraser, P.C., certify that I have on this 16th day of December, 1997, sent by United States mail, postage prepaid, on behalf of Channel 19 TV Corp., copies of the foregoing "Responsive Comments of Channel 19 TV Corp." to:

Ellen P. Goodman, Esquire
Covington & Burling
Post Office Box 7566
Washington, DC 20044-7566

Attorney for Association for Maximum
Service Television, Inc.



Nancy Lee Kemper